The Daily News

THURSDAY MORNING, JUNE 21, 1866.

METHODIST CHURCH IN COURT.

ARGUMENT FOR THE DEFENDANT, BY COLONEL C.

the present discussion of this case with the greatest reluctance. The questions involved present points of law of such intricacy, require the investigation of principles of such importance and carry with them interces of such investigation, claborate argument, and careful decision. The matters now in controvers have been decided in our highest courts. Such courts still exist, which, so far from offering any impediment, aff of an opportunity for a fair and impa till examination of this case. In such an examination the rights of every party in interest could be adjudicated, and a final decision could be obtained. The questions involved are pure questions of law, upon facts admitted or clearly proved. Nothing of the practice or machinery pecular to this fourt is needed to secure justice. The Gourts of this state, and of the United States, are open to the plaintiffs, and can afford ample relief. In deed, the issue is not between persons of color and whites, growing out of the peculiar relations between them, but between two great sections of a great hier archy, either of which could go into any of the country assured of a calm, fair, and impartial deciston of their rights.

The claim at up by the politioners is a claim for property, it is a demand, for the possession based on the title; an assertion that they are devisees under the will of testator; as such entitled to hold as against the will of testator; as such entitled to hold as against the administrator with the will annexed, and empowered to demand and to obtain an account. I respectfully submit, therefore, that the case is not a proper clief for this Court, and thaj it is not within the scope of its powers. Having them for each of the formed and the property of the property of the property of the devise of the Ma. I caving in force in last will, in which greated the fa

2d. Because the title is really in the old Board of

this article it is forever free from any claim of the Northern Church, and it declared the property of t.e. Southern Church, and anything be stronger?

Southern Church, and anything be stronger?

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Intimation has begariton was unconstitutional. To the thing of the property of the state of the content of the hard of the property of the state of the content of the northern Church have never made claim to the northern Church for the church South, amount, all the south bename of Trustees of the M. E. thruth in the South hands of the Church South, amount on the property nessed into the hands of the Church South, amount on the property at a company to the control of the court of the Church South, amount of the thing to the Church South, amount of the the state source of conduct on any and how can you state that the control of the court of the court of the Plan of Separation, which is control to the court of the court of the Plan of Separation, which is control to the court of the court of the Plan of Separation, which is comptoned to the property to the Southern Church? It was not until the complete of the case of the Church South S

camp followers, had been fluttered and conquered foe was presented—it was not until the conflict of races was inaugurated, that any such claims was manufactured.

2d. The whole question has been judicially determined and the Plan of Separation sustained. I quote from the case of Gibson vs. Armstrong, 9 B. Monroe's Kentucky Reports. That case arose in this way: The Plan of Separation provided that the northern boundary of the limits of the two divisions of the Church should be determined by the votes of a majority of the members of each congregation. At Maysville, Kentucky, was one of these congregations, and a majority adhered to the Church South. The church building was held in the name of Trustees of the Methodist Episcopal Church, and a question arcse as to the right of possession and use of it. The minority, who adhered to the Church North, contending that as the building was held in the name of the Trustees of M. B. Church, the majority who had joined the M. E. Church South had no further right. The case was carried to the Supreme Court of Kentucky, and it was solemnly decided, in an elaborate and able opinion, that the General Conference had full power and authority to make the Plan of Separation, and to divide the Church. That the "Southern Church stands not as a seceding of schismatic body, breaking off violenily or illegally from the original Church and carrying off uch members and such rights only as it may succeed in abstracting from the other, but as a lawful ecolesia-tical body, ercoted by the authority of the whole Church, with plenary jurisdiction over a designated portion of the original association, recognized by that Church as its proper successor and representation within its limits." "That the members of a local scotety, entitled to the use of local property under this or any other rimitar deed before the division, do not lose their right by adhering to the Methodist Episcopal Church, ut is, in fact, to the South, the Methodist Episcopal Church, ut is, in fact, to the charm of the property h

the property held by them. Why? Clearly because the property held by them. Why? Clearly because their act was not in accordance with the Plan of Separation.

5. It is not in violation of any restrictive article. The powers of the General Conference are supreme, except as restricted by the Six Restrictive Articles. These are as follows. [Read them]:

The Plan of Separation does not run counter to the 1, 2, 3, 4 or 5. Does it to the 6th?

A. The Plan of Separation contemplated a division of the Church, a setting off to each section it sown territorial property, and a division of the Book Concern and the Chartered Fund. The 6th Restrictive Article relates only to the last, the Book Concern and Chartered Fund. The property in question in this case is not connected with these. The Plan of Separation may by possibility be void as to the Book Concern, &c., but this surely would not affect the validity of the other parts of the Plan of Separation—the surrender of all other property and the consequent surrender of that Row in question.

B. The 6th Restrictive Article does not forbid a division of these special funds. It forbids their application to other than certain specific purposes. Now the Southern Church has the same discipline with the same Sestrictive Articles. Of course its share of the Book Concern, &c., would be bound by the same restrictions, and would be held to the same uses a state of the Book Concern, &c., would be bound by the same restrictions, and would be held to the same uses a state of the Book Concern, &c., would be bound by the same restrictions, and would be held to the same uses a state of the Book Concern, &c., would be bound by the same restrictions, and would be held to the same uses a state of the Book Concern, &c., would be bound by the same restrictions, and would be held to the same uses a state of the Book Concern, &c., would be been acted on for over twenty years; has, until very recently, governed the action of both sections, and it is now too late to reopen the discussion. It is submi

post intervention of the country.

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ARTIFICIAL EYES .- ARTIFICIAL HU-AN EYES made to order and inserted by Drs. F. BAUCH and P. GOUGELMANN (formerly employed by ROISSONNEAU, of Paris), No. 599 Broadway, New York."

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February 7 AS MARRIAGE AND CELIBACY an Essay of Warning and Instruction for Young Men Also, Diseases and Abuses which prostrate the vital powers, with sure means of relief. Sent free of charge in sealed letter envelopes. Address, Dr. J. SKILLIN HOUGHTON, Howard Association, Philadelphia, Pa.

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Then guard yourselves while you may. The smallest pimple on the skin is a tell-tale and indicator of disease It may fade and die away from the surface of the body, but it will reach the vitals, perflaps, at last, and death be the result and final close. MAGGIEL'S BILIOUS DYSPEPTIC, and DIARRHEA PILLS cure where all others fail. While for Burns, Scalds, Chilblains, Cuts, and all abrasions of the skin, MAGGIFL'S Salve is in fallible. Sold by J. MAGGIEL, No. 48 Fulton-street, New York, and all Druggists, at 25 cents per box. Beptember 25

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S.--T.--1860--X. &c.

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I am, very truly, yours, N. E. GILDS, Pastor Ger. Ref. Church,

our noble soldiers who stop here, more or less disabled from various causes, and the effect is marvellous and gratifying.

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3d.—When the eyes ache or pain through the action of a bright light, such as is reflected from snow, snnny weather, white paper, and in reading, writing or sewing, or vivid colored bodies, these lenses, by softening the rays, effect a most agreeable sensation and give great relief.

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8th.—Ground by preullar machinery, got up at great cost, mathematically calculated expressly for the manufacture of this lens, so as to produce it with the true spher cal accuracy, and its focus is at the exact centre, a point of vital importance, and which no other lens possesses.

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I have examined a great variety of Glasses manufactured by Professor M. Branhandt, and in justice to the Professor must say, that his Glasses are of a superior quality, adapted to meet the wants of almost every eye, where the vision is in any way imperfect. The Professor selected for me a pair of his Australian Crystal Glasses which are of a very superior quality. Almost as permanable youth. Tyteld this testimony in favor of the Professor's Glasses most cheerfully.

E. GEDDINGS, M. D.

I cheerfully concur in the opinion above expressed of the value of Professor Bernhardts' Glusses, and their adaptability to all defects of vision, and also to his skill and judgment in adapting the glass to each special im-perfection.

H. W. DESAUSSURE, M. D.

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I do most willingly bear my testimony in favor of the superiority of the Australian Crystal—single and double vision spectacles over all other kinds. They are constructed upon the best established and understood principles of optics, and their adaptation to the human eye in its different conditions of vision is so perfect, as to render sight easy without effort. In my opinion, none others should be used since the eyes once used to those do not seem to grow old, and by having a focus at any point of the surface, they appear to rest o'er the eyes to their youthful energy.

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the imperiection of vision that can be benefited by the
use of Glasses. The pureness and clearness of the Orystal used, is an item worthy of special attention, as I can
testify from personal experience. I recommend Professor BERNMARDT with confidence and great cheerfulness, to the patronage of the public.

JAMES P. JERVEY, M. D.

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I have examined a gr at variety of Glasses manufactured by Professor M. Bernhardt, and consider them superior in quality and adapted to meet the wants of almost every eye, in which there is a defect of vision. I cheerfully recommend Professor Bernhardt's Glasse to those requiring assistance. W. H. HUGER, M. D.

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Many of our friends have speken and written to us concerning the publication of a Tri-Weekly. We have thought of doing this for some time, but owing to the general disarrangement of postal affairs, we have concluded not to do so until the

commencement of next season.

On the first of September we will commence to publish a country edition of THE NEWS, and t shall be our aim to make the paper the best ever issued in this State. We intend introducing entirely new features in this enterprise; it will not be a summary of the daily, but will be complete and original in itself, and we are certain that itspatrons will be as well pleased with it as are our present patrons pleased with the daily.

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